

Atty Docket No. JCLA3573

Serial No. 10/033,883

IN THE DRAWINGS

Please amend FIG. 1 in the drawings as shown in the separate accompanying replacement sheet. More specifically, in Figure 1, the arrow on the line connecting the scanner device and the driver device has been amended to point from the driver device to the scanner device. Reconsideration is respectfully requested.

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REMARKS**Present Status of the Application**

Claims 1, 3-17 are pending of which claims 1 and 8 have been amended to correct some typographical errors and correct some informalities, and claims 11-17 have been newly added, in order to more clearly define the claimed invention. Furthermore, Figure 1 has been amended, wherein the arrow on the line connecting the scanner device and the driver device has been amended to point from the driver device to the scanner device, as shown in the replacement sheet in a separate accompanying sheet in a separate accompanying page, in order to overcome the Examiner's objections. Subject matters of the newly added independent claim 11 are well supported at paragraph [0018]. It is believed that no new matter adds by way of amendments made to claims or otherwise to the application. For at least the foregoing reason, Applicants respectfully submit that claims 1, 3-10 and 11-17 patently define over prior art of record and reconsideration of this application is respectfully requested.

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Discussion of objection to Drawings

1. *The Office Action objected to drawings because claim 1 states that the driver device receives the driver signal and accordingly drives the scanning processor (assumed to be "scanner device" for examination purposes). But from the direction of the arrow on the line connecting the scanner device and the driver device in Figure 1, it appears that the scanner is driving the driver device instead of driver device driving the scanner device.*

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly Applicants amended Figure 1, wherein the arrow on the line connecting the scanner device and the driver device has been amended to point from the driver device to the scanner device, as shown in the replacement sheet in a separate accompanying sheet. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC 103

2. *The Office Action rejected claims 1 and 3-10 under 35 USC 103(a) as being unpatentable over Suzuki et al. (US-5,231,576, hereinafter Suzuki).*

Applicants respectfully disagree and traverse the above rejections as follows. Independent claim 1 is allowable over Suzuki for at least the reason that Suzuki fails to teach, suggest or disclose every features of claim 1.

More specifically, Applicants respectfully submit that claim 1 is allowable over Suzuki for at least the reason that Suzuki fails to teach, suggest or disclose [a scanner device, for scanning the testing support suitable for supporting a reaction of analytes in the sample to

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achieve a color separation, wherein the scanner device outputs a test signal corresponding to concentrations of the analytes in response to scanning of the testing support after the reaction of the analytes; and a computing unit, coupled to the scanner device, for receiving and analyzing the test signal to obtain concentrations values of the analytes].

Instead, Suzuki substantially discloses an apparatus for measuring a (single) constituent of a specimen on the basis of color change, wherein a light from a light source (30a) comprised of an LED is passed through the test sample and the reflected light from the test sample is captured and measured by a photosensor (30b) (See the Abstract, col. 5, lines 29-44). In other words, the element indicated by the reference numeral 30b of Suzuki, which the Office Action interpreted as equivalent to the scanner device of the claimed invention, is in fact a photosensor (30b), which is adopted for capturing and measuring the reflected light from the test sample. Therefore, it is clear that the photosensor 30b of Suzuki is not adopted for scanning the analytes contained in the testing support, as required by claim 1.

Furthermore, Suzuki substantially teaches that the apparatus is adopted for measuring a single concentration of a single constituent in the specimen. Accordingly, Applicants respectfully submit that Suzuki substantially fails to teach, suggest or hint outputting a signal corresponding to (a plurality of) concentrations of analytes; and a computing unit for receiving and outputting the concentration values of (the plurality of) analytes contained in the test sample. Therefore, Suzuki cannot possibly meet claim 1 in this regard.

Furthermore, as the Office Action also recognized that Suzuki does not even mention the Driver Device coupled to the controller device for receiving the driver signal and driving the

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scanner device, instead Suzuki teaches “a LED driver 75 to drive the LED light source 30a” (See, page 3, lines 26-31 of the Office Action). Therefore, it is clear that Suzuki fails to teach, suggest or hint a driver device for driving the scanner device as further required by claim 1 and any such modification of Suzuki would frustrate its intended purpose. As such, Suzuki’s apparatus is complete and functional by itself, so there would be no reason to use parts or add or substitute parts, and certainly not to modify Suzuki in the manner suggested by the Examiner. Suzuki discloses another apparatus, which is not only structurally different but also function in a different manner compared to the claimed invention as discussed above.

Because, the independent claim 8 and the new claim 11 also recite features that are similar to claim 1 described above, therefore, claims 8 and 11 are also allowable over Suzuki for at least the same reasons discussed above, as well. Reconsideration is respectfully requested.

Furthermore, Suzuki also fails to mention that the scanner device is adapted for emitting a plurality of monochromatic lights of different wavelengths to scan the sample and outputting a test signal corresponding to concentrations of the analytes contained in the sample, as required by the new claim 11. Therefore, Suzuki cannot meet claim 11 in this regard as well.

Claims 3-7, 9-10 and 12-17, which depend from claims 1, 8 and 11 directly or indirectly, are also patentable over Suzuki for at least their dependency over an allowable base claim.

For at least the above reasons, Applicants respectfully submit that claims 1, 3-10 and 11-17 patently define over Suzuki and should be allowed. Reconsideration and withdrawal of these rejections is respectfully requested.

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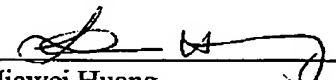
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 3-10 and 11-17 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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